

## REMARKS

### I. Status of Claims.

This application has been reviewed in light of the Office Action dated May 14, 2007. Claims 1-13 and 15-26 are presently pending. Claims have been amended in a manner that is believed to overcome rejections contained in the pending Office Action. No new matter or issues are believed to be introduced by these amendments. Support for the amendments are found throughout the specification, drawings and originally filed claims.

### II. Claims 1-3 rejected under 35 USC 103(a).

The Examiner rejected claims 1-3 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,679,257 to Coate et al. (Coate). Applicant respectfully traverses this rejection

**A. Examiner's Rejection:** The Examiner stated that Coated discloses a method for disinfecting bodies of wastewater that includes controlling the pH level of the aqueous system to a specific value then adding the disinfectant to the system. The Examiner further stated that “[t]he Coates reference recognizes the relationship between the proper pH value and the optimum removal of contaminants in wastewater.”

**B. Teachings of Reference:** Coate teaches a waste water treatment system that can be configured to be portable and which minimizes the addition of solids to be disposed of through the use of ozone for contaminant reduction to basic elements after the pH value of the waste water to be treated is properly adjusted. The patent to Coate, however, teaches a method of contaminant removal without the addition of chemicals other than acid or base to promote flocculation in the waste water. Coate teaches the use of pH adjustment for “contaminant removal without the addition of chemicals other than acid or base for the adjustment,” (Coate Column 6 lines 10-12).

**C. Claimed Invention:** The instant claimed invention discloses a method for improving the effectiveness of a disinfection agent added to an aqueous medium used in the processing of foodstuffs by “controlling the pH level of the aqueous medium to a desired level prior to or concurrent with the addition of the chemical disinfection agent to the aqueous medium said controlled pH level causing said chemical disinfection agent to become more efficacious.”

**D. Deficiencies of Reference:** Coate teaches a method of contaminant removal without the addition of chemicals other than acid or base to adjust pH in order to promote flocculation in the waste water. The pH adjust in Coate is for contaminant removal and not for "causing said chemical disinfection agent to become more efficacious." Coate does not suggest optimizing the effectiveness of disinfection by pH adjustment as the Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

**III. Claims 4 is rejected under 35 USC 103(a).**

The Examiner rejected claim 4 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,679,257 to Coate et al. (Coate), in further view of U.S. Patent No. 5,053,140 to Hurst (Hurst). Applicant respectfully traverses this rejection

**A. Examiner's Rejection:** The Examiner stated that Coate fails to disclose a method for disinfecting bodies of wastewater that includes adding chlorine to such water. The Examiner stated, however, it would have been obvious to one skilled in the art to modify Coate by adding chlorine as taught by the Hurst reference.

**B. Teachings of References:** Coate teaches a waste water treatment system that can be configured to be portable and which minimizes the addition of solids to be disposed of through the use of ozone for contaminant reduction to basic elements after the pH value of the waste water to be treated is properly adjusted. However, Coate teaches a method of contaminant removal without the addition of chemicals other than acid or base to promote flocculation in the waste water. Hurst teaches a method of treating treated waste water with chlorine. However, neither Hurst or Coate alone or in combination suggest adjusting the pH of wastewater to improve the effectiveness of a disinfectant.

**C. Claimed Invention:** The instant amended claimed invention discloses a method for improving the effectiveness of a chemical disinfection agent added to an aqueous medium used in the processing of foodstuffs by controlling the pH.

**D. Deficiencies of Reference:** Coate teaches a method of contaminant removal without the addition of chemicals other than acid or base as a pH adjuster. The pH adjustment in Coate is only to promote flocculation in the waste water and is not related to a disinfecting agent. Coate does not suggest optimizing the effectiveness of disinfection by pH adjustment and control as the

Applicant has disclosed and claimed. Coate actually teaches away from Applicant's disclosed and claimed invention as follows:

"Chlorine has been traditionally employed for disinfecting water for domestic use and waste water. However, recent reports concerning the carcinogenic effects of chlorinated compounds resulting from chlorine disinfection have stimulated the search for less potentially harmful disinfectants. It has been found that the indiscriminate chlorination of waste waters results in the formation of halogenated compounds which are toxic to aquatic life and potentially toxic to humans. Further, chlorination can satisfy prospective federal water discharge standards only with such high dosages that expensive dechlorination of the treated water is required as a further treatment process step." (Coate column 1 lines 54-65)

Since the method within Applicant's claimed invention is not found or suggested anywhere within the art, it appears that in creating his obviousness rejection that the Examiner gleaned knowledge form the Applicant's disclosure contrary to the holding of *In re McLaughlin*. Applicant respectfully requests that the rejected claims be reconsidered in light of well-established legal principles, which provide,

*"That one skilled in the art is not synonymous with obviousness.... That one can reconstruct and/or explain the theoretical mechanism of an invention by means of logic and sound scientific reasoning does not afford the basis for an obviousness conclusion unless that logic and reasoning also supplies sufficient impetus to have led one of ordinary skill in the art to combine the teachings of the reference to make the claimed invention" Ex parte Levingood, 28 USPQ 2d 1300 (Bd. Pat. App. & Inter. 1993).*

The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's claimed invention, is neither taught nor suggested by either reference. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection, in fact the reference combined teach away from Applicant's disclosed and claimed invention. In any event, the combination does not arrive at Applicant's invention. Applicant's claimed invention is patentably distinct form that of Hurst or Coate as neither Hurst nor Coate suggest adjusting the pH of wastewater to improve the effectiveness of a chemical

disinfectant “wherein said foodstuffs is poultry and said disinfection agent is chlorine” as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

**IV. Claim 5 is rejected under 35 USC 103(a).**

The Examiner rejected claim 5 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,472,619 to Holzhauer et al. (Holzhauer), in further view of U.S. Patent No. 4,827,727 to Caracciolo (Caracciolo). Applicant respectfully traverses this rejection

**A. Examiner’s rejection.** The Examiner stated that Holzhauer teaches a method for disinfecting wastewater generated by meat-packing plants that includes controlling the pH of the wastewater, however, Holzhauer fails to explicitly teach treating the chilling wastewater of a poultry plant. The Examiner further stated that Caracciolo teaches a method for sterilizing poultry with ozonated water in a chiller that includes the following; recovering apportion of the chiller water, filtering organic solids and returning the filtered water to the chiller.

**B. Teachings of References:** Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available products which adjust the pH to about 8. Caracciolo teaches the sterilization of chiller water by the introduction of ozone.

**C. Claimed Invention:** The instant amended claimed invention discloses a method for improving the effectiveness of a disinfection agent added to an aqueous medium used in the processing of foodstuffs.

**D. Deficiencies of Reference:** Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Caracciolo teaches the sterilization of chiller water by the introduction of ozone. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant’s disclosure, in an attempt to arrive at the Applicant’s invention, is neither taught nor suggested by either reference. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide “sufficient impetus” to support the combination that the Examiner makes to effect

the obviousness rejection. Neither Holzhauer or Caracciolo alone or in combination suggest adjusting the pH of wastewater to optimize the effectiveness of a chemical disinfectant as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

**V. Claims 6-10 are rejected under 35 USC 103(a).**

The Examiner rejected claims 6-10 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,472,619 to Holzhauer et al. (Holzhauer), in further view of U.S. Patent No. 5,053,140 to Hurst (Hurst). Applicant respectfully traverses this rejection

**A. Examiner's rejection.** The Examiner stated that Holzhauer teaches a method for disinfecting wastewater generated by meat-packing plants that includes controlling the pH of the wastewater, however, Holzhauer fails to explicitly teach treating the chilling wastewater of a poultry plant. The Examiner further stated that Hurst teaches a method for disinfecting chilling water in a poultry plant and that it would have been obvious to one having ordinary skill in the art to modify the Holzhauer reference to disinfect all wastewaters.

**B. Teachings of References:** Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Holzhauer is concerned with adjusting the pH to promote flocculation and not to optimize a disinfectant. This is borne out by Holzhauer as follows:

“While not wishing to be bound by any theory of operation it appears, at the present time, that the various ingredients in the peracetic acid compositions of the present invention have a number of functions. The acetic acid component assists flocculation. The peracetic acid is a flocculent and appears to be the primary oxidizer. Hydrogen peroxide is also a flocculent and oxidizer. The phosphonic acid derivative is a stabilizer that prevents decomposition, i.e., “offgassing,” due to trace catalytic metal ion contamination, e.g., copper and iron. In addition, acetic acid and hydrogen peroxide are ingredients for the preparation and equilibrium concentration of peracetic acid. The phosphoric acid is a catalytic acid for the formation of peracetic acid; it also assists in corrosion control.” (Holzhauer, Column 4 lines 51-64)

Flocculation is carried out using commercially available product which adjust the pH to about 8. Hurst teaches a method of treating treated waster water with chlorine. Neither

Holzhauer or Hurst alone or in combination suggest adjusting the pH of wastewater to improve the effectiveness of a disinfectant, as Applicant has disclosed and claimed.

**C. Claimed Invention:** The instant amended claimed invention discloses a method for improving the effectiveness of a chemical disinfection agent added to an aqueous medium used in the processing of foodstuffs by adjusting the pH of the aqueous medium.

**D. Deficiencies of Reference:** Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Holzhauer does not teach adjusting the pH of an aqueous medium to increase the effectiveness of a chemical disinfectant. Hurst teaches a method of treating treated waster water with chlorine. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by either reference. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. Neither Holzhauer or Hurst alone or in combination suggest adjusting the pH of wastewater within a selected range to improve the effectiveness of a disinfectant, as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

**VI. Claim 11 is rejected under 35 USC 103(a).**

The Examiner rejected claim 11 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,472,619 to Holzhauer et al. (Holzhauer), in further view of U.S. Patent No. 5,053,140 to Hurst (Hurst) and in further view of Coate. Applicant respectfully traverses this rejection.

**A. Examiner's rejection.** The Examiner stated that Holzhauer and Hurst teach that pH should be controlled to a certain values in order to improve the efficiency of disinfection; however, they fail to disclose an explicit pH level between 6 and 8. The Coate reference teaches controlling the pH to a value of 6 and that the pH values depends on the type of contaminant treated. The Examiner stated that it would have been obvious to one having ordinary skill in the

art to modify the method of Holzhauer by choosing a pH value between 6 and 8 since at such a range optimum removal of contaminants is achieved as taught by the Coate reference.

**B. Teachings of References:** Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing agent such as peracetic acid compositions. Holzhauer is concerned with adjusting the pH to promote flocculation and not to optimize a disinfectant as discussed above. Flocculation is carried out using commercially available product which adjusts the pH to about 8. Hurst teaches a method of treating treated waster water with chlorine. Coate teaches a waste water treatment system that can be configured to be portable and which minimizes the addition of solids to be disposed of through the use of ozone for contaminant reduction to basic elements after the pH value of the waste water to be treated is properly adjusted. The patent to Coate teaches a method of contaminant removal without the addition of chemicals other than acid or base to promote flocculation by adjusting the pH in the waste water. Holzhauer, Hurst or Coate alone or in combination do not suggest adjusting the pH of wastewater between 6-8 to improve the effectiveness of a disinfectant.

**C. Claimed Invention:** The instant amended claimed invention discloses a method for improving the effectiveness of a chemical disinfection agent added to an aqueous medium used in the processing of foodstuffs "wherein the pH level of said disinfected process water is in the range of between 6 and 8" as Applicant has disclosed and claimed.

**D. Deficiencies of Reference:** Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Holzhauer is concerned with adjusting the pH to promote flocculation and not to optimize a disinfectant. Flocculation is carried out using commercially available product which adjust the pH to about 8. No current use of a disinfectant is suggested in Holzhauer. Hurst teaches a method of treating treated waster water with chlorine. But does not teach pH control in conjunction. Coate teaches a method of contaminant removal without the addition of chemicals. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by the references. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the

obviousness rejection Holzhauer, Hurst or Coate alone or in combination do not suggest “adding a chemical disinfectant to process water used in said processing steps; and controlling the pH level of said disinfected process water said controlled pH level optimizing said chemical disinfectant,” as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

**VII. Claims 12 and 15 are rejected under 35 USC 103(a).**

The Examiner rejected claims 12 and 15 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 4,827,727 to Caracciolo (Caracciolo) and in view of U.S. Patent No. 5,679,257 to Coate (Coate). Applicant respectfully traverses this rejection

**A. Examiner’s rejection.** The Examiner stated that Caracciolo teaches adding a disinfectant to the chiller water, but fails to teach controlling the pH level. The Examiner further stated that Coate teaches a method for disinfecting bodies of wastewater by ozone that includes controlling the pH level of the aqueous systems to a specific value and that Coate teaches that adjusting pH results in generating solids. The Examiner stated that based upon these combined teachings, it would have been obvious to modify the method of Caracciolo by choosing a pH adjustment step as taught by Coate since when pH is maintained within a certain range, optimum removal of contaminants in fluids is accomplished as taught by the Coate reference.

**B. Teachings of References:** Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Coate teaches a method of contaminant removal without the addition of chemicals and controlling the pH. However, Coate adjusts the pH as a means for particle contaminant removal and not as a means for improving the efficiency of a disinfectant. Caracciolo, or Coate alone or in combination do not suggest adding a disinfectant to the chiller water; controlling the pH level of the chiller water; and monitoring and regulating said steps of adding a disinfectant and controlling the pH level of the chiller water.

**C. Claimed Invention:** The instant amended claimed invention discloses a method for treatment of chiller water by adding a disinfectant to the chiller water used in the chilling process with a controlled pH level and regulating said steps of adding a disinfectant and controlling the pH level of the chiller water.

**D. Deficiencies of Reference:** Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Coate teaches a method of contaminant removal without the addition

of chemicals and adjusting the pH to a value of 6 to promote flocculation. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by the references. The references, alone or in combination, because of the differences in the features of each as discussed above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. In any event the references alone or in combination do not arrive at Applicant's claimed invention. Caracciolo, or Coate alone or in combination do not suggest treatment of chiller water by adding a disinfectant to the chiller water used in the chilling process with a controlled pH level and monitoring and "adding a disinfectant to the chiller water; controlling the pH level of the chiller water; and monitoring and regulating said steps of adding a disinfectant and controlling the pH level of the chiller water;" as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

**VIII. Claim 13 is rejected under 35 USC 103(a).**

The Examiner rejected claim 13 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 4,827,727 to Caracciolo (Caracciolo), in view of Coate as applied to claim 12 and in further view of U.S. Patent No. 5,514,282 to Hibbard et al. (Hibbard). Applicant respectfully traverses this rejection

**A. Examiner's rejection.** The Examiner stated Caracciolo teaches a method for sterilizing poultry with ozonated water in a chiller that includes the following; recovering apportion of the chiller water, filtering organic solids and returning the filtered water to the chiller. Caracciolo and Coate, however, fail to teach floating the recovered water in a floatation unit. The Examiner further stated that the Hibbard reference teaches the use of a floatation unit and it would have been obvious to one having ordinary skill in the art to modify the method of the Caracciolo reference by including a floatation unit as taught by the Hibbard reference.

**B. Teachings of References.** Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Hibbard teaches a method directed to the recovery of a potentially valuable feed value or fertilizer by-product with the concomitant production of an environmentally safe discharge or reuse quality water from food plant process wastewater streams.

**C. Claimed Invention:** The instant claimed invention discloses a method for filtering organic solids from said recovered poultry chiller water, wherein at least a portion of said solids are the result of precipitation of soluble material through pH adjustment of said chiller water.

**D. Deficiencies of Reference:** Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Hibbard teaches a method directed to the recovery of a potentially valuable feed value or fertilizer by-product with the concomitant production of an environmentally safe discharge or reuse quality water from food plant process wastewater streams. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by either reference. The references, alone or in combination, because of the differences in the features of each as discussed above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. Neither Caracciolo, Coate or Hibbard alone or in combination suggest "recovering a portion of chiller water used in said chilling process; adding a disinfectant to the chiller water; controlling the pH level of the chiller water; and monitoring and regulating said steps of adding a disinfectant and controlling the pH level of the chiller water" nor do these references alone or in combination filtering organic solids from recovered poultry chiller water as treated by the instant invention, wherein at least a portion of said solids are the result of precipitation of soluble material through pH adjustment of said chiller water, as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

**IX. Claims 16-17, 21 and 26 are rejected under 35 USC 103(a).**

The Examiner rejected claims 16-17, 21 and 26 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,472,619 to Holzhauer et al. (Holzhauer), in further view of U.S. Patent No. 5,472,619 to Mostoller (Mostoller). Applicant respectfully traverses this rejection.

**A. Examiner's rejection.** The Examiner stated that Holzhauer teaches a method for disinfecting wastewater generated by meat-packing plants that includes controlling the pH of the wastewater, however the Holzhauer reference fails to explicitly teach treating the chilling wastewater of a poultry plant. The Examiner further stated that Mostoller teaches that the steps of slaughtering, scalding, defeathering, eviscerating and the like and that these steps are known

in the art of processing chicken. The Examiner further stated that it would have been obvious to one having ordinary skill in the art to modify the Holzhauer reference to disinfect all wastewaters generated at various processing steps in a poultry plant.

**B. Teachings of References:** Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Holzhauer is concerned with adjusting the pH to promote flocculation and not to optimize a disinfectant and does not disclose controlling the pH to improve the efficiency of a disinfectant. Mostoller teaches an apparatus having a plurality of spray nozzles to spray the exterior surface of a bird with cleaning fluid.

**C. Claimed Invention:** The instant claimed invention discloses a method for reducing the level of poultry contamination resulting from the processing of poultry, wherein the processing of said poultry by recovering water used during at least one of said poultry processing steps and "treating said recovered water with a disinfectant and controlling pH of said recovered water."

**D. Deficiencies of Reference:** Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Holzhauer does not disclose or suggest controlling the pH to improve the efficiency of a disinfectant. Mostoller teaches an apparatus having a plurality of spray nozzles to spray the exterior surface of a bird with cleaning fluid. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by the references. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. In any event the combination of the two cited references do not arrive at a process of recovering water used during at least one of said poultry processing steps; treating said recovered water with a disinfectant and controlling pH of said recovered water; and reintroducing said treated water into at least one heated processing step which uses heated water, whereby the combination of said treated water and said heated water reduces the level of microorganisms within said poultry" as

Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

**X. Claims 18-20 are rejected under 35 USC 103(a).**

The Examiner rejected claims 18-20 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 5,472,619 to Holzhauer et al. (Holzhauer), in further view of U.S. Patent No. 5,472,619 to Mostoller (Mostoller) and in further view of U.S. Patent No. 5,053,140 to Hurst (Hurst). Applicant respectfully traverses this rejection.

**A. Examiner's rejection.** The Examiner stated that Holzhauer teaches a method for disinfecting wastewater generated by meat-packing plants that includes controlling the pH of the wastewater, however Holzhauer and Mostoller fail to teach the use of ozone and chlorine in treating recovered water in a poultry processing plant. Hurst, however, teaches injecting ozone and chlorine into recovered water from the chiller and that it would have been obvious to one having ordinary skill in the art to modify the Holzhauer reference by additionally including ozone and chlorine since ozone oxidizes oxidizable material in the wastewater and kills microorganisms as in Hurst and chlorine provides a furthering assuring disinfecting step in case the wastewater is heavily contaminated.

**B. Teachings of References:** Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Holzhauer does not teach or disclose controlling the pH in order to improve the efficiency of a disinfectant. Mostoller teaches an apparatus having a plurality of spray nozzles to spray the exterior surface of a bird with cleaning fluid. Hurst teaches a method of treating treated waster water with chlorine.

**C. Claimed Invention:** The instant claimed invention discloses a method for reducing the level of poultry contamination resulting form the processing of poultry, wherein the processing of said poultry by recovering water used during at least one of said poultry processing steps and "treating said recovered water with a disinfectant and controlling pH of said recovered water."

**D. Deficiencies of Reference:** Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing

amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. Holzhauer does not teach controlling the pH to improve the efficiency of a disinfectant. Mostoller teaches an apparatus having a plurality of spray nozzles to spray the exterior surface of a bird with cleaning fluid. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by the references. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. In any combination the cited references do not arrive at Applicant's claimed invention. Holzhauer, Mostoller or Hurst alone or in combination do not suggest "recovering water used during at least one of said poultry processing steps; treating said recovered water with a disinfectant and controlling pH of said recovered water; and reintroducing said treated water into at least one heated processing step which uses heated water, whereby the combination of said treated water and said heated water reduces the level of microorganisms within said poultry" as Applicant has disclosed and claimed. Applicant respectfully request that this rejection be withdrawn.

**XI. Claims 22-25 are rejected under 35 USC 103(a).**

The Examiner rejected claim 22-25 under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 4,827,727 to Caracciolo (Caracciolo) in further view of U. S. Patent No. 5,472,619 to Holzhauer et al. (Holzhauer)., Applicant respectfully traverses this rejection.

**A. Examiner's rejection.** The Examiner stated that Caracciolo teaches a method for sterilizing poultry with ozonated water in a chiller that includes the following; recovering apportion of the chiller water, filtering organic solids and returning the filtered water to the chiller. However, as the Examiner has acknowledged, Caracciolo fails to teach controlling the pH of the disinfected filtered water. The Examiner further stated that Holzhauer teaches a method for disinfecting wastewater generated by meat-packing plants that includes controlling the pH of the wastewater.

**B. Teachings of References:** Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific

composition. Flocculation is carried out using commercially available product which adjust the pH to about 8.

**C. Claimed Invention:** The instant claimed invention discloses a method for improving the effectiveness of a disinfection agent added to an aqueous medium used in the processing of foodstuffs. In particular, Applicant's claimed invention provides reacting filtered recovered water with a disinfectant and controlling pH of said disinfected filtered water and reintroducing said disinfected filtered water into chiller tank.

**D. Deficiencies of Reference:** Caracciolo teaches the sterilization of chiller water by the introduction of ozone. Holzhauer teaches a process for the separation and purification of fat-containing wastewater by adding an effective flocculating and oxidizing amount of a specific composition. Flocculation is carried out using commercially available product which adjust the pH to about 8. The particular combination of the cited references, which the Examiner makes, in hindsight with the benefit of Applicant's disclosure, in an attempt to arrive at the Applicant's invention, is neither taught nor suggested by either reference. In any event, the cited references either alone or in combination do not arrive at Applicant's claimed invention. The references, alone or in combination, because of the differences in the features of each as discuss above, do not provide "sufficient impetus" to support the combination that the Examiner makes to effect the obviousness rejection. Neither Holzhauer or Caracciolo alone or in combination suggest "recovering water used during said poultry processing chilling step; removing filterable organics from said recovered water; reacting said filtered recovered water with a disinfectant and controlling pH of said disinfected filtered water; and reintroducing said disinfected filtered water into chiller tank," as Applicant has disclosed and claimed. Applicant respectfully requests that this rejection be withdrawn.

**CONCLUSION**

For at least the reasons set forth above, reconsideration and allowance of this application are believed to be in order, and such action is hereby solicited. If any points remain an issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application. Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2896.

Respectfully submitted,

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October 15, 2007

Dated

/John C. Serio/

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